

<p>JAMES DEMARCO, et al.,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>MICHAEL LAPAY, et al.,</p> <p>Defendants.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING DEFENDANT PALADIN DEVELOPMENT PARTNERS, LCC'S MOTION TO STRIKE PLAINTIFFS' NOTICE OF NAME AND IDENTITY OF DEFENDANT</p> <p>Case No. 2:09-CV-190 TS</p>
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Having considered the merits of the Motion, the Court enters the following findings:

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1. Plaintiffs' Notice appears to be an attempt to amend Plaintiffs' Complaint or add a party to this litigation.<sup>2</sup>

2. Plaintiffs have not sought or obtained leave of the Court to amend their Complaint. Plaintiffs have not sought or obtained consent from Paladin to amend their Complaint.

3. The deadline for amending the Complaint in this matter or adding parties, pursuant to the Scheduling Order entered by the Court, was May 1, 2010. This date has passed.


Based on the foregoing, Plaintiffs have failed to comply with the Federal Rules of Civil Procedure and this Court's Scheduling Order. Plaintiffs' Notice appears to be an improper attempt to circumvent the Rules. Consequentially, the Court will strike Plaintiffs' Notice.

It is therefore

ORDERED that Paladin's Motion to Strike (Docket No. 60) is GRANTED. Plaintiffs' Notice of Name and Identity of Defendant Referred to in Paragraph 88 of Plaintiffs' Complaint (Docket No. 54) is hereby STRICKEN.

DATED May 26, 2011.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>2</sup>See Docket No. 54, at 1-2 (indicating that a copy of the Notice will be sent to the person named "so that such person may appear").